IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

THURSDAY, THE 7TH JUNE 2007 / 17TH JYAISHTA 1929

WP(C).No. 14680 of 2006(V)

PETITIONER:

V.A.MUHAMMED BASHEER,
S/O.LATE MOIDEEN KUTTY, AGED 45 YEARS,
VADAKKAN AREEKKODAN HOUSE, C.M.ROAD,
P.O.MUNNIYOOR, MALAPPURAM DIST.

BY ADV. SRI.M.RAMESH CHANDER

RESPONDENTS:

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1. APPELLATE TRIBUNAL FOR FOREIGN
EXCHANGE, NEW DELHI REPRESENTED BY ITS
REGISTRAR.

2. DEPUTY DIRECTOR OF ENFORCEMENT,
SHASTRI BHAVAN, 3RD BLOCK, 26 HADDOWS ROAD,
CHENNAI.

3. DEPUTY TAHSILDAR (ARREAR COLLECTION),
TALUK OFFICE, TIRURANGADI.

BY ADV. SRI.JOHN VARGHESE, ASSISTANT SG
SRI.P.PARAMESWARAN NAIR, CGC
ADV. SHRI.BASANT BALAJI, GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 07/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C)No. 14680/2006

APPENDIX

PETITIONER'S EXHIBITS

P1 : COPY OF THE ORDER OF THE 2ND RESPONDENT DATED 31/7/00.

P2 : COPY OF THE NOTICE ISSUED BY THE 1ST RESPONDENT DATED 11/6/2001.

P3 : COPY OF THE PETITION FILED BY THE PETITIONER TO THE 1ST RESPONDENT DATED 11/7/02.

P4 : COPY OF COMMUNICATION ISSUED FROM THE 1ST RESPONDENT.

P5 : COPY OF THE COMMUNICATION ISSUED by the PETITIONER'S COUNSEL to the 1ST RESPONDENT DATED 27/1/06.

P6 : COPY OF THE REVENUE RECOVERY NOTICE ISSUED BY THE 3RD RESPONDENT NO.RRC NO.DD/MAS/10/06 DATED 13/3/06.

P7 : COPY OF THE REVENUE RECOVERY NOTICE ISSUED BY THE 3RD RESPONDENT NO.RRC NO.DD/MAS/10/06 DATED 13/3/06.

// TRUE COPY //

PA TO JUDGE

jg

C.N.RAMACHANDRAN NAIR, J.

WP(C) No. 14680 of 2006

Dated, this the 7st day of June, 2007

J U D G M E N T

Petitioner is challenging Ext.P1 penalty order in appeal before the 1st respondent. While considering application to dispense with pre-deposit as a condition for entertaining appeal, the Tribunal called for report from 2nd respondent about the financial position of the petitioner and nothing has happened ever since. The appeal was filed in the year 2002. If there is no progress in the matter in five years, it is a reflection of the performance of the Tribunal and the Department. In any case, if appeal is pending, there will be direction to the Tribunal to hear all the parties and dispose of the same within three months from the date of production of a copy of this judgment. If no final orders are so far issued on application for waiving pre-deposit, then there will be direction to the Tribunal to dispense with payment and proceed to decide the appeal on merits, as no purpose would be served by delaying matter further. However, if any final orders are passed on pre-deposit and petitioner has not complied with the same, then the appeal shall be rejected on that ground. Petitioner will produce copy of the

judgment for compliance. Recovery will be kept in abeyance for one month from now, within which time, Tribunal will issue posting notice. If appeal is pending and if copy of the posting notice is produced before the recovery authority, then recovery will be kept in abeyance for two months thereafter and thereafter recovery will be based on orders of the Tribunal in appeal. If petitioner does not produce copy of the posting notice before the Tribunal , recovery will be continued after expiry of the time stipulated.

(C.N.RAMACHANDRAN NAIR, JUDGE.)

jg